## REMARKS

This paper is submitted in reply to the Office Action dated November 20, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1, 4, 8-9, 11-12, 16, 19, and 21-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0041138 to Kampe et al. In addition, claims 2, 5-7, 13, 15, 17, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kampe et al.; and claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kampe et al. in view of U.S. Patent No. 6,108,699 to Moiin. The Examiner did indicate, however, that claims 3, 14, and 18 were directed to patentable subject matter.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have now amended claims 3, 14 and 18 to independent form, and Applicants note that such amendments have not narrowed the scope of any of these claims, as the scope of these claims is identical to their scope as filed. Applicants as a result have not surrendered any subject matter by virtue of these amendments, and are entitled to all appropriate equivalents. Applicants also respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Now turning to the subject Office Action, and specifically to the rejection of independent claim 1, this claim generally recites a method of processing a request in a clustered computer system to organize a plurality of members into a group. The method includes, in a local member from the plurality of members, locally determining within the local member whether the local member is a subgroup leader for a subgroup with which the local member is associated, and if so, transmitting group data on behalf of the subgroup.

As an initial matter, Applicants traverse the Examiner's rejections based upon Kampe et al., as the reference has a filing date of May 22, 2002, which is after the filing date of the instant application. Moreover, Kampe et al. is a continuation-in-part of another application, also filed after the filing date of the instant application. To establish a date prior to Applicants' filing date, the Examiner is required to rely on a pair of provisional applications from which the Kampe et al. reference claims priority (Application Nos. 60/201,210 and 60/201,099, both filed May 2, 2000). The Examiner has not established that any of the disclosure relied upon the Examiner's rejections was present in the original provisional applications from which Kampe et al. claims priority. As Kampe et al. is a published application, Applicants trust the Examiner can provide copies of the provisional applications from which the reference claims priority, and cite the appropriate disclosure in these provisional applications. Otherwise, Applicants respectfully submit that the Examiner has failed to establish anticipation or obviousness of Applicants' claims in view of Kampe et al.

In addition, irrespective of the priority date of Kampe et al., Applicants respectfully submit that the passages cited by the Examiner fail to disclose or suggest claim 1. In particular, claim 1 recites "locally determining within [a] local member whether the local member is a subgroup leader for a subgroup with which the local member is associated." This feature is not disclosed by Kampe et al.

As discussed, for example, at page 8, lines 10-17 of the Application as filed, a subgroup refers to a subset of members from a group for which it is known the group data therefor is coherent among group members. Kampe et al., on the other hand, is entirely silent with respect to the concept of subgroups, i.e., subsets of members from a common group. The cited passages, including the Abstract, Figs. 1-2, 4; paragraphs 0011-0014 and paragraphs 0058-0063 disclose, at the most, the concept of multiple groups (See, e.g., Fig. 2 and paragraphs 0035-0037, where first and second groups 202, 204 are described). Of note, paragraph 0037 indicates that the first and second groups act as "separate

entities" on a network. There is nothing in Kampe et al. that discloses or suggests that the two groups form subgroups of a common group. Even if those groups could be analogized to subgroups, there is no disclosure that the members of each group are known to have coherent group data, an inherent feature of the claimed subgroups.

In addition, as Kampe et al. is silent with respect to subgroups, the reference cannot be read to disclose the concept of determining whether a member is a "subgroup leader." Kampe et al. discloses, at the most, electing a group leader (referred to as a group "master"). This, however, is insufficient to anticipate this feature of claim 1.

Furthermore, claim 1 recites "locally determining" whether a local member is a subgroup leader. As discussed, for example, at page 5, lines 6-14 of the Application, local determination of a subgroup leader avoids the need for subgroup members to communicate with one another for the purpose of determining which member should be the subgroup leader. Kampe et al., on the other hand, discloses a consensus-type master election process, which requires master-capable nodes to advertise their availability for election, along with additional communication between members to determine the consensus master. This protocol is described in greater detail in Kampe et al. in Fig. 5 and the accompanying disclosure at paragraphs 0075-0084. This protocol does not disclose "locally determining" whether a particular member is a subgroup leader for a subgroup.

For the foregoing reasons, therefore, Applicants respectfully submit that claim 1 is novel over Kampe et al.

Moreover, Applicants respectfully submit that claim 1 is also non-obvious over Kampe et al., as the use of subgroups, as well as the local determination within members of whether such members are subgroup leaders, are not suggested by Kampe et al. or the other prior art of record. Furthermore, Applicants respectfully submit that this combination of features provides substantial benefits that are unique and unexpected over the configuration disclosed in Kampe et al. In particular, the claimed configuration

permits group data to be efficiently and reliably shared among the members of a new or existing group, typically with reduced network traffic and improved reliability, given the known coherency of group data among members of a common subgroup. Accordingly, Applicants respectfully submit that the configuration of claim 1 provides a unique and unexpected advantage over the configuration disclosed in Kampe et al., and claim 1 is therefore non-obvious over Kampe et al. and the other art of record. Reconsideration and allowance of claim 1, as well as of claims 2 and 4-11 which depend therefrom, are therefore respectfully requested.

Next, with respect to independent claim 12, this claim recites a method of processing a request in a clustered computer system to organize a plurality of members into a group, where the plurality of members are partitioned into a plurality of subgroups. The method includes transmitting group data on behalf of each subgroup, and locally tracking within each member whether the group data for the subgroup associated with such member has been transmitted.

In rejecting claim 12, the Examiner relies on Kampe et al. However, the passages cited by the Examiner fail to disclose or suggest the concept of a subgroup, and as a consequence, fail to disclose the concept of transmitting group data "on behalf of" a subgroup. As such, Kampe et al. cannot be read to anticipate claim 12. Claim 12 is therefore novel over the reference.

Moreover, claim 12 is non-obvious as there is no suggestion in Kampe et al., or in any other art of record, of the desirability of organizing a group in a clustered computer system into multiple subgroups. Accordingly, claim 12 is also non-obvious over Kampe et al. and the other art of record. Reconsideration and allowance of claim 12, as well as of claim 13 which depends therefrom, are respectfully requested.

Next, with respect to independent claims 15, 16, 22, and 23, each of these claims recites, in part, the concept of locally determining for a local member among a plurality of members in a group, whether the local member is a subgroup leader for a subgroup with

which the local member is associated. As discussed above in connection with claim 1, Kampe et al. does not disclose or suggest the concept of subgroups, or the local determination by a local member as to whether the local member is a subgroup leader for a subgroup. As such, these claims are novel and non-obvious over Kampe et al. for the same reasons as presented above for claim 1. Reconsideration and allowance of these claims, as well as of claims 17, 19-21, and 24 which depend therefrom, are therefore respectfully requested.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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Date

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